

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

PRESSMAN, INC., WESTON PILL BOX, INC., DAVIE PILL BOX, LLC, and PILL BOX PINES WEST, LLC, all d/b/a PILL BOX PHARMACIES AND MEDICAL SUPPLY, individually and as the representatives of a class of similarly situated persons,

Plaintiffs,

v.

SMITH MEDICAL PARTNERS, LLC and H. D. SMITH, LLC,

Defendants.

No.

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Smith Medical Partners, LLC and H. D. Smith, LLC (together, the “Defendants”) have removed the above-captioned action from the Circuit Court of Lake County, Illinois to the United States District Court for the Northern District of Illinois. As grounds for removal, Defendants state as follows:

**NATURE OF THE ACTION**

1. Plaintiffs Pressman, Inc., Weston Pill Box, Inc., Davie Pill Box, LLC, and Pill Box Pines West, LLC., all d/b/a Pill Box Pharmacies and Medical Supply (together, the “Plaintiffs”) filed this action against Defendants on June 13, 2019, in the Circuit Court of Lake County, Illinois, Chancery Division, Case No. 19CH00000710 (the “Lake County Action”).<sup>1</sup>

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<sup>1</sup> The docket and all filings made to date in the Lake County Action are attached as Exhibit A.

2. In the Lake County Action, Plaintiffs assert claims against Defendants for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). Plaintiff seeks to bring these claims on behalf of a class of purportedly similarly situated individuals.

3. On the day Plaintiffs filed the Lake County Action, they also filed a motion titled “Plaintiffs’ Motion for Class Certification.”

4. Defendants have not been served with process in the Lake County Action, but their attorneys received a copy of the complaint from Plaintiffs’ counsel on June 19, 2019. Defendants have not filed any responsive pleadings in the Lake County Action.

### **BASIS FOR REMOVAL**

5. The Court has original jurisdiction over this action under 28 U.S.C. § 1331 because Plaintiff’s TCPA claims arise under federal law. *See Mims v. Arrow Financial Services, LLC*, 565 U.S. 368 (2012); *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446, 451 (7th Cir. 2005). Accordingly, Defendants are entitled to remove the matter to this Court pursuant to 20 U.S.C. § 1441. *Brill*, 427 F.3d at 451.

### **PROCEDURAL REQUIREMENTS**

6. This Notice of Removal is timely under 28 U.S.C. § 1446(b), as it is being filed within thirty (30) days after the date that Defendant received notice of the complaint in the Lake County Action.

7. There are no other defendants named in this action.

8. Venue lies in the United States District Court for the Northern District of Illinois, pursuant to 28 U.S.C. § 1446(a), because the Lake County Action was filed in the Circuit Court of Lake County Illinois, which is located within this District and Division.

9. Written notice of this Notice of Removal is being served upon Plaintiff, and a copy of the Notice of Removal is being filed with the Circuit Court of Lake County, as required by 28 U.S.C. § 1446(d).

10. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, please take notice that Defendants remove this action titled *Pressman, Inc., et al., v. Smith Medical Partners, LLC, et al.*, No. 19CH00000710, from the Circuit Court of Lake County, Illinois, where it is now pending, to the United States District Court for the Northern District of Illinois on this 18<sup>th</sup> day of July 2019.

Date: July 18, 2019

Respectfully Submitted,

/s/ Seth H. Corthell

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I, Seth H. Corthell, an attorney, I, certify that I caused the foregoing document to be served upon the following via electronic mail and U.S. Mail on July 18, 2019:

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/s/ Seth H. Corthell